

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

RUBEN QUINTANILLA,
Petitioner,

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§

v.

Civil Action No. 4:08-CV-550-Y

REBECCA TAMEZ, Warden,
FCI-Fort Worth,
Respondent.

FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND NOTICE AND ORDER

This cause of action was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. §636(b), as implemented by an order of the United States District Court for the Northern District of Texas. The Findings, Conclusions, and Recommendation of the United States Magistrate Judge are as follows:

I. FINDINGS AND CONCLUSIONS

A. NATURE OF THE CASE

This is a petition for writ of habeas corpus by a federal prisoner pursuant to 28 U.S.C. § 2241.

B. PARTIES

Petitioner Ruben Quintanilla, Reg. No. 28523-180, is a federal prisoner who was incarcerated in the Federal Correctional Institution in Fort Worth, Texas (FCI-Fort Worth), at the time of the filing of this petition.

The Respondent is Rebecca Tamez, Warden of the FCI-Fort Worth.

C. PROCEDURAL HISTORY

By this action, Quintanilla seeks early release by the Federal Bureau of Prisons to a halfway house (referred to as a Residential Reentry Center (RRC) or Community Corrections Center (CCC)). *See* 18 U.S.C. § 3624©. Quintanilla has been released from the FCI-Fort Worth and is currently residing in a halfway house in the San Antonio, Texas area, with a projected release date of January 11, 2009.¹ As of this date, Quintanilla has not notified the Court of his current address.

D. DISCUSSION

Because Quintanilla has been released to a halfway house, this court can no longer provide him with the relief he seeks. *See Bailey v. Southerland*, 821 F.2d 277, 278-79 (5th Cir. 1987). Dismissal of this petition is therefore appropriate as moot. *See McRae v. Hogan*, 576 F.2d 615, 616-17 (5th Cir. 1978).

II. RECOMMENDATION

It is recommended that the government's motion to dismiss be GRANTED and Quintanilla's petition for writ of habeas corpus be dismissed as moot.

III. NOTICE OF RIGHT TO OBJECT TO PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions, and recommendation within ten (10) days after the party has been

¹The Federal Bureau of Prisons Inmate Locator reflects Quintanilla's current location and/or mailing address as San Antonio CCM, community Corrections Office, 727 E. Durango Blvd., Rm B138, San Antonio, Texas 78206. U.S. Department of Justice, Federal Bureau of Prisons/Inmate Locator, available at <http://www.bop.gov>.

served with a copy of this document. The court is extending the deadline within which to file specific written objections to the United States Magistrate Judge's proposed findings, conclusions, and recommendation until December 16, 2008. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions, and recommendation to which specific objection is timely made. See 28 U.S.C. § 636(B)(1). Failure to file by the date stated above a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual finding or legal conclusion accepted by the United States District Judge. See *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc op. on reh'g); *Carter v. Collins*, 918 F.2d 1198, 1203 (5th Cir. 1990).

IV. ORDER

Under 28 U.S.C. § 636, it is ORDERED that each party is granted until December 16, 2008, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions, and recommendation. It is further ORDERED that if objections are filed and the opposing party chooses to file a response, a response shall be filed within seven (7) days of the filing date of the objections.

It is further ORDERED that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions, and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED November 25, 2008.

_____/s/ Charles Bleil
CHARLES BLEIL
UNITED STATES MAGISTRATE JUDGE